

AMENDED IN SENATE JUNE 2, 2015
AMENDED IN SENATE MAY 6, 2015
AMENDED IN SENATE APRIL 20, 2015
AMENDED IN SENATE MARCH 24, 2015

SENATE BILL

No. 210

Introduced by Senator Galgiani

February 11, 2015

An act to add Section 56326.5 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 210, as amended, Galgiani. Special education: deaf and hard-of-hearing children: language benchmarks.

Existing law provides that the Superintendent of Public Instruction may authorize the California School for the Deaf to establish and maintain a testing center for deaf and hard-of-hearing minors. Existing law provides that the purpose of the center shall be to test hearing acuity and to give such other tests as may be necessary for advising parents and school authorities concerning an appropriate educational program for the child. Existing law authorizes a pupil to be referred, as appropriate, to the California School for the Deaf, among other places, for further assessment and recommendations.

This bill would require the State Department of Education's Deaf and Hard of Hearing unit, and the department's deaf education resource centers located in Fremont and Riverside, to jointly select language benchmarks from existing standardized norms for purposes of monitoring and tracking deaf and hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward

English literacy. The bill would require the language benchmarks to be selected from the language benchmarks recommended by an ad hoc advisory committee, which the bill would establish, as provided, and would require the language benchmarks to be used by a child's individualized family service plan (IFSP) team or individualized education program (IEP) team, as applicable, to assess the progress of the child's language development using both or one of the languages of American Sign Language (ASL) and English, which would be required to be reported to the department by the child's IFSP team or IEP team. By imposing additional duties on local educational agency officials, the bill would impose a state-mandated local program.

The bill would require, if a child does not demonstrate progress in expressive and receptive language skills according to the applicable language benchmarks, the child's IFSP team or IEP team, as applicable, to explain in detail the reasons why the child is not meeting the benchmarks or progressing towards the age-appropriate benchmark, and to recommend specific strategies, services, and programs that would be provided to assist the child's success toward English literacy. To the extent this provision would impose additional duties on local educational agency officials, the bill would impose a state-mandated local program. The bill also would require the department to disseminate the language benchmarks to a child's IFSP or IEP team, including parents and guardians of deaf or hard-of-hearing children, and to provide materials and training to ensure appropriate language growth as part of the child's existing IFSP or IEP in order to assist the deaf or hard-of-hearing child in becoming linguistically ready for kindergarten using both or one of the languages of ASL and English. The bill would require the department, on or before January 1, ~~2017~~, 2018, to develop specific action plans and regulations to fully implement the language benchmark assessment protocol and processes.

The bill would make these provisions applicable only to children from birth to 5 years of age, inclusive. *The bill also would provide that implementation of these provisions is subject to an appropriation being made for these purposes in the annual Budget Act or another statute.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56326.5 is added to the Education Code,
2 to read:
3 56326.5. (a) (1) The department's Deaf and Hard of Hearing
4 unit, and the department's deaf education resource centers located
5 in Fremont and Riverside, shall jointly select language benchmarks
6 from existing standardized norms for purposes of monitoring and
7 tracking deaf and hard-of-hearing children's expressive and
8 receptive language acquisition and developmental stages toward
9 English literacy.
10 (2) (A) The language benchmarks shall be selected from the
11 language benchmarks recommended by the advisory committee
12 pursuant to subdivision (d), and shall be used by a child's
13 individualized family service plan (IFSP) team or individualized
14 education program (IEP) team, as applicable, to assess the progress
15 of the child's language development using both or one of the
16 languages of American Sign Language (ASL) and English, which
17 shall be reported to the department by the child's IFSP team or
18 IEP team.
19 (B) On or before March 1, 2016, the department shall provide
20 the advisory committee with a list of existing language benchmarks
21 from existing standardized norms, along with any relevant
22 information held by the department regarding those language
23 benchmarks.
24 (C) On or before June 1, 2016, the advisory committee shall
25 recommend language benchmarks for selection pursuant to
26 paragraph (1).
27 (D) On or before June 30, 2016, the department shall inform
28 the advisory committee of which language benchmarks were
29 selected.
30 (3) The department shall track development stages that are
31 equivalent to a child's linguistically age-appropriate peers who
32 are not deaf or hard of hearing, with the goal of assisting children
33 who are deaf or hard of hearing to become kindergarten-ready.

(b) For purposes of this section, “English” includes spoken English, written English, or English with the use of visual supplements.

(c) (1) If a child does not demonstrate progress in expressive and receptive language skills according to the applicable language benchmarks, the child’s IFSP team or IEP team, as applicable, shall explain in detail the reasons why the child is not meeting the benchmarks or progressing towards the age-appropriate benchmark, and shall recommend specific strategies, services, and programs that shall be provided to assist the child’s success toward English literacy.

(2) The department shall disseminate the language benchmarks to a child’s IFSP or IEP team, including parents and guardians of deaf or hard-of-hearing children, and shall provide materials and training to ensure appropriate language growth as part of the child’s existing IFSP or IEP in order to assist the deaf or hard-of-hearing child in becoming linguistically ready for kindergarten using both or one of the languages of ASL and English.

(d) (1) The Superintendent shall establish an ad hoc advisory committee for purposes of soliciting input from experts on the selection of language benchmarks for children who are deaf or hard of hearing that are equivalent to those for children who are not deaf or hard of hearing.

(2) The advisory committee shall consist of 13 volunteers, the majority of whom shall be deaf or hard of hearing, and all of whom shall be within the field of education for the deaf and hard of hearing. The advisory committee shall include all of the following:

(A) One parent of a child who is deaf or hard of hearing who uses the dual languages of ASL and English.

(B) One parent of a child who is deaf or hard of hearing who uses only spoken English, with or without visual supplements.

(C) One credentialed teacher of deaf and hard-of-hearing pupils who use the dual languages of ASL and English.

(D) One credentialed teacher of deaf and hard-of-hearing pupils from a state certified nonpublic, nonsectarian school.

(E) One expert who researches language outcomes for deaf and hard-of-hearing children using ASL and English.

(F) One expert who researches language outcomes for deaf and hard-of-hearing children using spoken English, with or without visual supplements.

1 (G) One credentialed teacher of deaf and hard-of-hearing pupils
2 whose expertise is in curriculum and instruction in ASL and
3 English.

4 (H) One credentialed teacher of deaf and hard-of-hearing pupils
5 whose expertise is in curriculum and instruction in spoken English,
6 with or without visual supplements.

7 (I) One advocate for the teaching and use of the dual languages
8 of ASL and English.

9 (J) One advocate for the teaching and use of spoken English,
10 with or without visual supplements.

11 (K) One early intervention specialist who works with deaf and
12 hard-of-hearing infants and toddlers using the dual languages of
13 ASL and English.

14 (L) One professional from the dual languages of ASL and
15 English.

16 (M) One professional from spoken English, with or without the
17 use of visual supplements.

18 (e) The department shall, on or before January 1, ~~2017~~, 2018,
19 develop specific action plans and regulations to fully implement
20 the language benchmark assessment protocol and processes.

21 (f) This section shall apply only to children from birth to five
22 years of age, inclusive.

23 (g) *Implementation of this section is subject to an appropriation*
24 *being made for purposes of this section in the annual Budget Act*
25 *or another statute.*

26 SEC. 2. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.